



#8

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Luscombe, G.P. et al.

Attorney Docket: 2544/112

Serial No.: 10/019,921

Art Unit: 1624

Filing Date: May 6, 2002

Examiner: Habte, Kahsay

Invention: **Therapeutic Agents**

Date: October 20, 2003

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on October 20, 2003.

Charlton Shen

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

ELECTION

Dear Sir:

In response to the office action mailed July 18, 2003 regarding restriction of the pending claims, the Applicants elect Group VI, the election "drawn to benzodioxan compounds (A=B=O) and T = phenyl," and made without traverse. The election reads, in part, on pending claims 1-22. With regard to the species election requested by the Examiner, the Applicants elect any individual enantiomer, racemate, or mixture of

10/27/2003 RMEBRAHT 00000015 10019921

01 FC:1252

420.00 OP

enantiomers within the specie N-(7-Chloro-1, 4-benzodioxan-2-ylmethyl)-1- [1-(2-methoxyphenyl)piperid-4yl]methylaniline, as disclosed in claims 12 and 17.

Examination, on the merits, of the pending claims, and their allowance, are now respectfully requested.

Respectfully submitted,



Charlton Shen
Registration No. 54,442
Attorney for Applicant

BROMBERG & SUNSTEIN LLP
125 Summer Street
Boston, MA 02110-1618
Tel: (617) 443-9292 Fax: (617) 443-0004

02544/00112 275313.1

1624\$



Practitioner's Docket N . 2544/112

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Graham Paul Luscombe, Lesley Patricia Needham

Application No.: 10/019,921
Filed: 10/20/2003
For: Therapeutic Agents

Group No.: 1624
Examiner: Habte, Kahsay

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED
OCT 28 2003
TECH CENTER 1600/2900

AMENDMENT TRANSMITTAL

1. Transmitted herewith is an amendment for this application.

STATUS

2. Applicant is other than a small entity.

EXTENSION OF TERM

3. The proceedings herein are for a patent application and the provisions of 37 C.F.R. 1.136 apply. Applicant petitions for an extension of time under 37 C.F.R. 1.136 (fees: 37 C.F.R. 1.17(a)(1)-(4)) for two months through Saturday, October 18, 2003:

Fee: \$420.00

CERTIFICATION UNDER 37 C.F.R. §§ 1.8(a) and 1.10*

*(When using Express Mail, the Express Mail label number is mandatory;
Express Mail certification is optional.)*

I hereby certify that, on the date shown below, this correspondence is being:

MAILING

☒ deposited with the United States Postal Service in an envelope addressed to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

37 C.F.R. § 1.8(a)

☒ with sufficient postage as first class mail.

37 C.F.R. § 1.10*

☐ as "Express Mail Post Office to Addressee"

Mailing Label No. _____ (mandatory)

TRANSMISSION

☐ facsimile transmitted to the Patent and Trademark Office, (703) _____

Signature

Date: October 20, 2003

Charlton Shen

(type or print name of person certifying)

* Only the date of filing (§ 1.6) will be the date used in a patent term adjustment calculation, although the date on any certificate of mailing or transmission under § 1.8 continues to be taken into account in determining timeliness. See § 1.703(f). Consider "Express Mail Post Office to Addressee" (§ 1.10) or facsimile transmission (§ 1.6(d)) for the reply to be accorded the earliest possible filing date for patent term adjustment calculations.

FEE FOR CLAIMS

4. The fee for claims (37 C.F.R. 1.16(b)-(d)) has been calculated as shown below:

	(Col. 1)	(Col. 2)	(Col. 3)	OTHER THAN A SMALL ENTITY			
	CLAIMS REMAINING AFTER AMENDMENT	HIGHEST NO. PREVIOUSLY PAID FOR	PRESENT EXTRA	RATE	ADDIT. FEE		
TOTAL	40	—	40	= 0	x \$	18.00	= \$ 0.00
INDEP.	3	—	3	= 0	x \$	86.00	= \$ 0.00
FIRST PRESENTATION OF MULTIPLE DEP. CLAIM					+	\$ 0.00	= \$ 0.00
						TOTAL ADDIT. FEE	\$ 0.00

No additional fee for claims is required.

FEE PAYMENT

5. Attached is a check in the sum of \$420.00.

Charge any additional fees required by this paper or credit any overpayment in the manner authorized above.

A duplicate of this paper is attached.

FEE DEFICIENCY

6. An additional extension and/or fee is required, charge Account No. 19-4972.

An additional fee for claims is required, charge Account No. 19-4972.

Date: October 20, 2003



Charlton Shen
Registration No. 54,442
Bromberg & Sunstein LLP
125 Summer Street
Boston, MA 02110-1618
US
617-443-9292
Customer No. 02101